

**Translation**

**PATENT COOPERATION TREATY**

**PCT**

**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

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|--|--|---|
| Applicant's or agent's file reference<br><b>PXWO00300/20</b>                     | <b>FOR FURTHER ACTION</b> <span style="float: right;">See Form PCT/IPEA/416</span> |   |
| International application No.<br><b>PCT/ES2004/000244</b>                        | International filing date (day/month/year)<br><b>28.05.2004</b>                    | Priority date (day/month/year)<br><b>30.05.2003</b> |
| International Patent Classification (IPC) or national classification and IPC     |  |   |
| Applicant<br><b>INSTITUTO NACIONAL DE TECNICA AEROSPAIAL 'ESTEBAN TERRADAS '</b> |  |   |

  

|    |   |
|----|---|
| 1. | This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.   |
| 2. | This REPORT consists of a total of <u>3</u> sheets, including this cover sheet.   |
| 3. | This report is also accompanied by ANNEXES, comprising: <div style="margin-left: 20px;">           a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:           <div style="margin-left: 20px;"> <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).             <br/> <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.           </div> </div> <div style="margin-left: 20px;">           b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).         </div> |
| 4. | This report contains indications relating to the following items: <div style="margin-left: 20px;"> <input checked="" type="checkbox"/> Box No. I      Basis of the report           <br/> <input type="checkbox"/> Box No. II      Priority           <br/> <input type="checkbox"/> Box No. III      Non-establishment of opinion with regard to novelty, inventive step and industrial applicability           <br/> <input type="checkbox"/> Box No. IV      Lack of unity of invention           <br/> <input checked="" type="checkbox"/> Box No. V      Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement           <br/> <input type="checkbox"/> Box No. VI      Certain documents cited           <br/> <input type="checkbox"/> Box No. VII      Certain defects in the international application           <br/> <input type="checkbox"/> Box No. VIII      Certain observations on the international application         </div>   |

  

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|---|-----------------------------------|
| Date of submission of the demand        | Date of completion of this report |
| Name and mailing address of the IPEA/ES | Authorized officer                |
| Facsimile No.                           | Telephone No.                     |

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/ES2004/000244

| Box No. I | Basis of the report  |
|-----------|--|
| 1.        | <p>With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.</p> <p><input type="checkbox"/> This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:</p> <p><input type="checkbox"/> international search (Rule 12.3 and 23.1(b))</p> <p><input type="checkbox"/> publication of the international application (Rule 12.4)</p> <p><input type="checkbox"/> international preliminary examination (Rule 55.2 and/or 55.3)</p> <p>2. With regard to the elements of the international application, this report is based on <i>(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)</i>:</p> <p><input checked="" type="checkbox"/> the international application as originally filed/furnished</p> <p><input checked="" type="checkbox"/> the description:</p> <p>pages <u>44</u> _____ as originally filed/furnished</p> <p>pages* _____ received by this Authority on _____</p> <p>pages* _____ received by this Authority on _____</p> <p><input checked="" type="checkbox"/> the claims:</p> <p>nos. <u>6</u> _____ as originally filed/furnished</p> <p>nos.* _____ as amended (together with any statement) under Article 19</p> <p>nos.* _____ received by this Authority on _____</p> <p>nos.* _____ received by this Authority on _____</p> <p><input checked="" type="checkbox"/> the drawings:</p> <p>sheets <u>12</u> _____ as originally filed/furnished</p> <p>sheets* _____ received by this Authority on _____</p> <p>sheets* _____ received by this Authority on _____</p> <p><input type="checkbox"/> a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.</p> <p>3. <input type="checkbox"/> The amendments have resulted in the cancellation of:</p> <p><input type="checkbox"/> the description, pages _____</p> <p><input type="checkbox"/> the claims, nos. _____</p> <p><input type="checkbox"/> the drawings, sheets/figs _____</p> <p><input type="checkbox"/> the sequence listing (<i>specify</i>): _____</p> <p><input type="checkbox"/> any table(s) related to sequence listing (<i>specify</i>): _____</p> <p>4. <input type="checkbox"/> This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).</p> <p><input type="checkbox"/> the description, pages _____</p> <p><input type="checkbox"/> the claims, nos. _____</p> <p><input type="checkbox"/> the drawings, sheets/figs _____</p> <p><input type="checkbox"/> the sequence listing (<i>specify</i>): _____</p> <p><input type="checkbox"/> any table(s) related to sequence listing (<i>specify</i>): _____</p> |

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/ES2004/000244

| Box No. V  | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |             |     |
|--|---|-------------|-----|
| <b>1. Statement</b>  |   |             |     |
| Novelty (N)  | Claims  | <u>1-43</u> | YES |
|  | Claims  |             | NO  |
| Inventive step (IS)  | Claims  | <u>1-43</u> | YES |
|  | Claims  |             | NO  |
| Industrial applicability (IA)  | Claims  | <u>1-43</u> | YES |
|  | Claims  |             | NO  |
| <b>2. Citations and explanations (Rule 70.7)</b>   |   |             |     |
| This report makes reference to the following documents:  |   |             |     |
| D01: ES2169770 T3, 30 October 1996   |   |             |     |
| D02: WO97/00726 A1, 9 January 1997   |   |             |     |
| D03: EP1179585 A2, 13 February 2002  |   |             |     |
| D04: US5925522 A, 20 July 1999   |   |             |     |
| D05: WO00/16903 A1, 30 March 2000  |   |             |     |
| D06: US2002/0155425 A1, 24 October 2002  |   |             |     |
| The technical features as per claims 1-43 of the application meet the novelty and inventive step requirements in relation to the prior art at the filing date, represented by documents D1-D6.   |   |             |     |
| The subject matter of the invention is a method and complex equipment for the automatic analysis of analytes using subassemblies which carry out specific analytic tasks. Some of the multiple components are described in previous documents in a similar but not obvious manner. Nor is the integration and improvement of the component subsystems obvious, given their high degree of complexity and development, as well as the novel results obtained in solving the technical analysis problem. |   |             |     |